



General Assembly

February Session, 2016

Raised Bill No. 5358

LCO No. 1210



Referred to Committee on VETERANS' AFFAIRS

Introduced by:
(VA)

AN ACT CONCERNING THE LEASING OF MILITARY FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 27-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section "military facility" means any [state-owned
4 or controlled] military building, structure, parcel of land or training
5 site owned, leased or controlled by the state.

6 (b) The Adjutant General is charged with the responsibility for the
7 use, maintenance, security and leasing of all [armories, rifle ranges,
8 military facilities, reservations] military facilities and other military
9 property under the provisions for such use imposed by the statutes.
10 Each military facility shall be under the charge of a commissioned
11 officer, designated by the Adjutant General. Each application for the
12 lease or use of such facility shall be made to the Adjutant General, who
13 shall approve or disapprove such application and so advise the
14 applicant. [The] Prior to any such approval, each applicant for lease or
15 use of such facility shall furnish a certificate of insurance or self-
16 insurance indemnifying the state and federal governments against any
17 bodily injury to persons or damage to property. Any cost of such

18 certificate shall be in addition to any other cost incurred as a result of
19 such lease or use. Except as provided in subsection (e) of this section,
20 the Adjutant General shall limit the lease or use of military facilities to
21 military and nonprofit organizations, organizations receiving state aid
22 and governmental agencies. Proceeds from the lease of military
23 facilities shall be paid to the Adjutant General, who shall promptly
24 transmit such proceeds, except proceeds received from the lease of
25 certain military facilities pursuant to subsection (e) of this section, to
26 the State Treasurer for deposit in the military facilities account
27 established under subsection [(e)] (f) of this section. The Adjutant
28 General shall, in military facilities where space is available, assign
29 space to veterans' service organizations for their joint uses, subject to
30 the regulations concerning military facilities. Units of the armed forces
31 of the state and veterans' organizations jointly utilizing military
32 facilities shall be allowed the use of the drill shed and such other
33 [portions] common areas of the facility. [as are usually included when
34 military facilities are leased, upon proper application through regular
35 channels and subject to the following conditions and terms: (1) When
36 no admissions are charged, the lease shall be free up to midnight on
37 the regular meeting night of the organization making application; (2) if
38 the use of the military facility is required after midnight, the regular
39 military rate shall be charged; and (3) at all other times and for
40 entertainments when admissions are charged, the military rate shall be
41 charged to veterans' organizations jointly using the military facility.]

42 (c) Nothing in this chapter shall be construed as allowing the lease
43 or use of, or assignment of space in, any military facility (1) on the drill
44 night of any active military organization stationed in the facility or in a
45 manner that conflicts with the military usage of the facility, (2) at a
46 reduced rate, [by any veterans' organization for the purpose of
47 conducting any athletic contest or other entertainment for which full
48 nonmilitary rate is charged military organizations,] or (3) in a manner
49 that conflicts with federal military regulations or the use of the facility
50 for military purposes. In no case shall [any veterans' organization be

51 allowed use of any military facility for the purpose of] any lease
52 approved by the Adjutant General pursuant to subsection (b) of this
53 section permit subleasing.

54 (d) [Agricultural and other associations that receive state aid and
55 military organizations may be allowed the use of military facilities at a
56 cost not exceeding the actual maintenance cost of such facilities during
57 the period of such use. Applications for such use may be made to the
58 Adjutant General. In all cases of lease or use of a facility by a
59 nongovernmental entity, a certificate of insurance, approved by the
60 Adjutant General, indemnifying the state against injuries to person and
61 damage to property shall be furnished, the cost of the certificate to be
62 in addition to the leasing or maintenance charge.] The Adjutant
63 General may allow [the] lease or use of any military facility, [without
64 charge, by] at a cost not exceeding the actual operating cost of such
65 facility during the period of such lease or use, to (1) any public or
66 private nonprofit elementary or secondary school or any public
67 institution of higher education for purposes of athletic events with
68 respect to which no admission is charged, (2) the American Red Cross
69 for purposes of blood supply programs, [and] (3) any local, state or
70 federal governmental agency, [provided any such use does not conflict
71 with the use of such facility for military purposes or with federal
72 military regulations] (4) any agricultural or other association that
73 receives state aid, or (5) any military organization.

74 (e) The Adjutant General [shall allow the use of] may lease the
75 military facilities associated with the first and second companies of the
76 Governor's Horse Guards in the towns of Avon and Newtown [,
77 without charge, by nonprofit organizations receiving contributions to
78 support such Horse Guards for purposes of fundraising, provided
79 such use does] to any person, provided the terms of such lease do not
80 conflict with the use of such facilities for military purposes. Proceeds
81 from the lease of such military facilities in Avon and Newtown shall be
82 paid to the Adjutant General, who shall promptly transmit such
83 proceeds to the State Treasurer for deposit in the Governor's Guards

84 horse account established under section 27-19e.

85 [(e)] (f) There is established an account to be known as the "military
86 facilities account" which shall be a separate, nonlapsing account within
87 the General Fund. The account shall contain (1) any amounts
88 appropriated or otherwise made available by the state for the purposes
89 of the account, (2) any moneys required by law to be deposited in the
90 account, and (3) gifts, grants, donations or bequests made for the
91 purposes of the account. Moneys in the account shall be expended by
92 the Military Department for the maintenance and renovation of
93 military facilities.

94 [(f)] (g) Not later than August first, annually, the Adjutant General
95 shall submit a report of the amount of proceeds received from leasing
96 each military facility and the expenses of each such facility, for the
97 twelve-month period ending on June thirtieth of the same year, to the
98 joint standing committee of the General Assembly having cognizance
99 of matters relating to veterans' affairs, in accordance with the
100 provisions of section 11-4a.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	27-39
-----------	---------------------	-------

Statement of Purpose:

To (1) require a certificate of insurance or self-insurance prior to the approval of any lease or use of any military facility, (2) permit the Adjutant General to allow the lease or use of any military facility at cost of operation, and (3) provide that proceeds generated from leases of certain military facilities be deposited into the Governor's Guards horse account.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]